

Congress of the United States

Washington, DC 20515

December 20, 2005

Thomas F. Gimble, Acting Inspector General
United States Department of Defense
c/o Office of the Inspector General of the Department of Defense
Office of Communications and Congressional Liaison
400 Army Navy Drive
Arlington, VA 22202-4704

Glenn A. Fine, Inspector General
United States Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, N.W., Suite 4706
Washington, DC 20530-0001

David M. Walker
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Sirs:

We, the undersigned Members of Congress, write to seek immediate investigations of reports that the Attorney General has authorized and that the National Security Agency (NSA) has engaged in espionage of persons inside the United States without obtaining court-ordered warrants authorizing these searches.

The New York Times reports that since 2002 the NSA has monitored international telephone calls and email messages of hundreds and possibly thousands of people inside the United States without warrants.¹ According to this report, the NSA began conducting such domestic surveillance following a 2002 order by the President of the United States. Furthermore, the report states that, even according to its own officials, such domestic espionage is unprecedented in the NSA's history.

It is apparent that such domestic surveillance violates section 1802(a) of the Foreign Intelligence Surveillance Act, 50 U.S.C. § 1802(a). That law permits electronic surveillance of communications without a court order only if the Attorney General certifies that (1) these communications are exclusively between or among foreign powers; and (2) there is no substantial likelihood that the surveillance will acquire the contents of any communication to which a United States person is a party.² According to the report in the New York Times, the NSA appears to have routinely violated these prohibitions by conducting surveillance on at least 500 and possibly thousands of

¹ See "Bush Lets U.S. Spy on Callers without Courts," James Risen and Eric Lichtblau, New York Times, Dec. 16, 2005.

² See 50 U.S.C. § 1802(a)(1).

individuals located in the United States, "including American citizens [and] permanent legal residents"³ who are United States persons within the meaning of FISA.⁴

We ask that you begin immediate investigations of these alleged violations of the law and misuse of appropriated funds by the Attorney General of the United States, the Director of the National Security Agency, and any of their subordinate officials. We ask that you be ready to brief us, the undersigned Members of Congress, on the results of your investigations no later than January 31, 2006.

Sincerely,

Zoe Lofgren

Jan Schakowsky

Marjorie Udall

Bobby Scott

John Smith

Priscilla M. Smith

Jed Strickland

Raul M. Grijalva

Jeff Amodeo

Julia Carson

Jim McGovern

Al Green

Madeline J. Bordallo

Diana DeBette

Allyson Y. Schwartz

Steve D. Northington

³ See n. 1.

⁴ "United States persons" include U.S. citizens, lawful permanent residents, U.S. corporations, or associations consisting of a substantial number of U.S. citizens or permanent residents. See 50 U.S.C. § 1801(i).

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